

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed October 1, 2008. Upon entry of the amendments in this response, claims 1 – 2, 4 – 10, 12 – 18, 20 – 21, 23 – 29, and 31 – 38 remain pending. In particular, Applicants amend claims 1, 6, 8 – 10, 1 – 15, 20, 25, 27 – 29, and 31 – 33 and cancel claims 3, 11, 19, 22, and 30 without prejudice, waiver, or disclaimer. Applicants cancel claims 3, 11, 19, 22, and 30 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **I. Allowable Subject Matter**

The Office Action indicates that claims 11 – 13 and 30 – 32 are objected to but would be allowable if rewritten in independent form. Applicants sincerely appreciate this indication of allowable subject matter and incorporate the subject matter of claim 11 into claim 1 and the subject matter of claim 30 into claim 20.

### **II. Rejections Under 35 U.S.C. §103**

#### **A. Claim 1 is Allowable Over *Schmidt* in view of *Lo***

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 7,020,472 (“*Schmidt*”) in view of U.S. Patent Publication Number 2003/0179725 (“*Lo*”). Applicants respectfully traverse this rejection for at least the reason that *Schmidt* in view of *Lo* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

A method, comprising:

transmitting, from a wireless local area network (LAN) device of a host device to an access point of a wireless network, a request to disassociate from said access point, said request to disassociate further comprising a request to monitor for wake events for said host device;

switching off a transceiver of said wireless LAN device after transmission of said disassociate request;

**switching on said transceiver of said wireless LAN device;** and

**transmitting, to a second access point, a request inquiring whether at least one wake event for said host device occurred while said transceiver was switched off.**

**(Emphasis added)**

Applicants respectfully submit that claim 1 is allowable over the cited art for at least the reason that neither *Schmidt* nor *Lo*, taken alone or in combination, discloses, teaches, or suggests a “method, comprising... **switching on said transceiver of said wireless LAN device...** [and] **transmitting, to a second access point, a request inquiring whether at least one wake event for said host device occurred while said transceiver was switched off**” as recited in claim 1. More specifically, claim 1 is allowable for at least the reason that this claim includes allowable portions of claim 11.

#### **B. Claim 20 is Allowable Over *Schmidt* in view of *Lo***

The Office Action indicates that claim 20 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 7,020,472 (“*Schmidt*”) in view of U.S. Patent Publication Number 2003/0179725 (“*Lo*”). Applicants respectfully traverse this rejection for at least the reason that *Schmidt* in view of *Lo* fails to disclose, teach, or suggest all of the elements of claim 20. More specifically, claim 20 recites:

A system, comprising:

application logic operable to:

transmit, from a wireless local area network (LAN) device of a host device to an access point of a wireless network, a request to disassociate from said access point, said request to disassociate further comprising a request to monitor for wake events for said host device;

switch off a transceiver of said wireless LAN device after transmission of said disassociate request;

***switch on said transceiver of said wireless LAN device; and transmit, to a second access point, a request inquiring whether at least one wake event for said host device occurred while said transceiver was switched off.***  
***(Emphasis added).***

Applicants respectfully submit that claim 20 is allowable over the cited art for at least the reason that neither *Schmidt* nor *Lo*, taken alone or in combination, discloses, teaches, or suggests a “system, comprising... ***switch on said transceiver of said wireless LAN device...*** [and] ***transmit, to a second access point, a request inquiring whether at least one wake event for said host device occurred while said transceiver was switched off***” as recited in claim 20. More specifically, claim 20 is allowable for at least the reason that this claim includes allowable portions of claim 30.

**C. Claims 2, 4 – 10, 21, and 23 – 29 are Allowable Over *Schmidt* in view of *Lo***

The Office Action indicates that claims 2, 4 – 10, 21, and 23 – 29 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 7,020,472 (“*Schmidt*”) in view of U.S. Patent Publication Number 2003/0179725 (“*Lo*”). Applicants respectfully traverse this rejection for at least the reason that *Schmidt* in view of *Lo* fails to disclose, teach, or suggest all of the elements of claims 2, 4 – 10, 21, and 23 – 29. More specifically, dependent claims 2 and 4 – 10 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Further, dependent claims 21 and 23 – 29 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 20. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

**D. Claim 14 is Allowable Over *Schmidt* in view of *Oar***

The Office Action indicates that claim 14 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 7,020,472 (“*Schmidt*”) in view of U.S. Patent Publication Number 2003/0159074 (“*Oar*”). Applicants respectfully traverse this rejection for at least the reason that *Schmidt* in view of *Oar* fails to disclose, teach, or suggest all of the elements of claim 14. More specifically, claim 14 recites:

A method, comprising:  
receiving, from a wireless local area network (LAN) device of a host device, a request to disassociate from an access point, said request to disassociate further comprising a request to monitor for at least one wake event for said host device;  
transmitting, in response to receiving a request for a wake event status, a wake event status indicating whether at least one wake event for said host device occurred; and  
updating a status of said wireless LAN device in an association table of said access point in response to determining that at least one wake event for said host device has occurred, ***wherein updating the status of said wireless device includes marking the status of said wireless LAN device as being in a wake event monitoring state, resetting a status flag for the wireless LAN device, and marking an entry for the wireless LAN device as no longer being associated with the access point so that the access point will not attempt to communicate with the wireless LAN device.***

***(Emphasis added).***

Applicants respectfully submit that claim 14 is allowable for at least the reason that neither *Schmidt* nor *Oar*, taken alone or in combination, discloses, teaches, or suggests a “method... ***wherein updating the status of said wireless device includes marking the status of said wireless LAN device as being in a wake event monitoring state, resetting a status flag for the wireless LAN device, and marking an entry for the wireless LAN device as no longer being associated with the access point so that the access point will not attempt to communicate with the wireless LAN device***” as recited in claim 14. More specifically, *Schmidt* discloses “wirelessly communicat[ing] data over a plurality of cellular channels” (column 1, line 64). However, *Schmidt* fails to even suggest a “method... ***wherein updating the status of said wireless device includes marking the status of said wireless LAN device as being in a wake event monitoring state, resetting a status flag for the***

**wireless LAN device, and marking an entry for the wireless LAN device as no longer being associated with the access point so that the access point will not attempt to communicate with the wireless LAN device**” as recited in claim 14. Further, *Oar* fails to overcome the deficiencies of *Schmidt*. For at least these reasons, claim 14 is allowable.

**E. Claim 33 is Allowable Over *Schmidt* in view of *Oar***

The Office Action indicates that claim 33 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 7,020,472 (“*Schmidt*”) in view of U.S. Patent Publication Number 2003/0159074 (“*Oar*”). Applicants respectfully traverse this rejection for at least the reason that *Schmidt* in view of *Oar* fails to disclose, teach, or suggest all of the elements of claim 33. More specifically, claim 33 recites:

A system, comprising:  
application logic operable to:  
    receive, from a wireless local area network (LAN)  
    device of a host device, a request to disassociate from an access  
    point, said request to disassociate further comprising a request to  
    monitor for at least one wake event for said host device;  
    transmit, in response to receipt of a request for a  
    wake event status, a wake event status indicating whether at least  
    one wake event for said host device occurred; and  
    update a status of said wireless LAN device in an  
    association table of said access point in response to determining  
    that at least one wake event for said host device has occurred,  
    **wherein updating the status of said wireless device includes  
    marking the status of said wireless LAN device as being in a  
    wake event monitoring state, resetting a status flag for the  
    wireless LAN device, and marking an entry for the wireless  
    LAN device as no longer being associated with the access  
    point so that the access point will not attempt to  
    communicate with the wireless LAN device.**

**(Emphasis added).**

Applicants respectfully submit that claim 33 is allowable for at least the reason that neither *Schmidt* nor *Oar*, taken alone or in combination, discloses, teaches, or suggests a “system... **wherein updating the status of said wireless device includes marking the status of said wireless LAN device as being in a wake event monitoring state, resetting a**

***status flag for the wireless LAN device, and marking an entry for the wireless LAN device as no longer being associated with the access point so that the access point will not attempt to communicate with the wireless LAN device***” as recited in claim 33. More specifically, *Schmidt* discloses “wirelessly communicat[ing] data over a plurality of cellular channels” (column 1, line 64). However, *Schmidt* fails to even suggest a “system... ***wherein updating the status of said wireless device includes marking the status of said wireless LAN device as being in a wake event monitoring state, resetting a status flag for the wireless LAN device, and marking an entry for the wireless LAN device as no longer being associated with the access point so that the access point will not attempt to communicate with the wireless LAN device***” as recited in claim 33. Further, *Oar* fails to overcome the deficiencies of *Schmidt*. For at least these reasons, claim 33 is allowable.

**F. Claims 15 – 18 and 34 – 38 are Allowable Over *Schmidt* in view of *Oar***

The Office Action indicates that claims 15 – 18 and 34 – 38 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 7,020,472 (“*Schmidt*”) in view of U.S. Patent Publication Number 2003/0159074 (“*Oar*”). Applicants respectfully traverse this rejection for at least the reason that *Schmidt* in view of *Oar* fails to disclose, teach, or suggest all of the elements of claims 15 – 18 and 34 – 38. More specifically, dependent claims 15 – 18 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 14. Further, dependent claims 34 – 38 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 33. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

**III. Allegedly Well Known Subject Matter**

Additionally, in rejecting claims 1, 14, 16, 20, 33, and 35 the Office Action argues that various elements are well known. Applicants respectfully traverse the alleged finding of well known subject matter and submit that the subject matter noted above should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions, as required. Additionally, Applicants submit that merely providing a reference (or a couple of references) that allegedly discloses the subject matter in question, does not rise to an evidentiary level of being well known in the industry. Applicants submit that even if the cited references disclose the subject matter in question (a point that the Applicants are not conceding), presence of that subject matter in a reference does not raise the level of commonality of that subject matter to something of unquestionable fact. For at least this specific and particular reason, Applicants submit that the subject matter in question is not well known in the art.

Applicants additionally submit that particularly in the context of the claimed combinations, the subject matter in question is too complex for a reasonably skilled person to consider it to be well known to the point that no additional evidence is needed. For at least this additional specific and particular reason, Applicants respectfully submit that the subject matter in question is not well known in the art, respectfully traverse the alleged finding of well known subject matter, and submit that claims 1, 14, 16, 20, 33, and 35 are patentable in view of the cited art.

### **CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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